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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KIMBERLY CUSACK-ACOCCELLA,)
an individual, SCOTT LANGER, an)
individual, MICHAEL HENRY, an)
individual, JANICE SMOTHERS, an)
individual, and GRACE OUDIN, an)
individual, KASSI NYE, an individual,)
and LISE STEPHENS, an individual,)
on behalf of themselves and on behalf)
of all others similarly situated,)

Plaintiffs,

vs.

DUAL DIAGNOSIS TREATMENT)
CENTER, INC., a California)
corporation doing business as)
SOVEREIGN HEALTH, TONMOY)
SHARMA, an individual, KEVIN)
GALLAGHER, an individual, DAVID)
TESSERS, an individual, and ALLIED)
BENEFIT SYSTEMS, INC., an)
Illinois corporation,)

Defendants.

Case No. 8:18-cv-01009-ODW (KESx)

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
FINAL SETTLEMENT
APPROVAL**

Date: October 19, 2020
Time: 1:30 p.m.
Crtrm: 5D
Judge: Hon. Otis D. Wright, II

1 Plaintiffs' motion for Final Settlement Approval came on for hearing before
 2 the Court on October 19, 2020. Having considered the papers filed in support of
 3 the motion, the oppositions thereto, Plaintiffs' reply and the arguments of counsel,
 4 the Court **GRANTS** the motion, finding that the requirements of Federal Rule of
 5 Civil Procedure 23(e)(2) are met. The Court discusses each of the factors required
 6 to be addressed under that Rule (*Dennis v. Kellogg Co.*, 697 F.3d 858, 864 (9th
 7 Cir. 2012)), but further notes that additional evidence beyond that cited in this
 8 Order was submitted on the motion and further supports the Court's conclusions
 9 and this Order, which is based in part on the following findings:

- 10 1. The Class Representatives and Class Counsel have adequately
 11 represented the Class. The Court made findings regarding the
 12 representation of counsel and the Class Representatives in its Order
 13 certifying the Class (Dkt. No. 233 at 20) under Rule 23(a)(4), which are
 14 adopted by reference herein. Such findings are sufficient to meet the
 15 requirements of Rule 23(e)(4). *E.g.*, *In re Online DVD-Rental Antitrust*
 16 *Litig.*, 779 F.3d 934, 942 (9th Cir. 2015).
- 17 2. The settlement was negotiated at arm's length, as evidenced by the robust
 18 litigation of merits and discovery, multiple attempts to mediate the
 19 matter, and repeated participation of Magistrate Judge Scott.
- 20 3. In light of the terms of the settlement, which provide for complete, self-
 21 executing relief resolving Class members' claims, trial and/or appeal of
 22 this matter would be wasteful and achieve nothing. No agreements
 23 respecting attorneys' fees or separate settlements among the Defendants
 24 suggest that Class members' rights were compromised for inappropriate
 25 reasons, or at all. *See* 2003 Adv. Cmte. Notes, Fed. R. Civ. P. 23(e).
- 26 4. The settlement treats members of the Class equitably with respect to one
 27 another as relief is dependent upon the outstanding unpaid and/or
 28

1 unprocessed claims held by each member, but relief to each member of
2 the Class is total.

3 5. Notice was provided to Class members in accordance with the Court's
4 July 17, 2020 Order, but no objections were received. (Dkt. No. 262 at
5 13:9-11.)

6 Accordingly, the Court finds that the settlement of this action is fair,
7 reasonable, and adequate under Federal Rule of Civil Procedure 23(e)(2), and
8 hereby **ORDERS** as follows:

- 9 1. The proposed settlement is approved.
10 2. The Court retains jurisdiction over this action to administer the terms of
11 the settlement agreements, entertain Plaintiffs' Motion for Attorneys'
12 Fees, Costs, and Incentive Awards, and enter judgment to the extent
13 needed.

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15 **IT IS SO ORDERED.**

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17 Dated: October 20, 2020

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Otis D. Wright, II
United States District Judge